

REMARKS

This Reply is in response to the Office Action mailed on May 9, 2005 in which Claims 4, 7, 13, 17, 20, 21, 24, 30, 34, 36, 42, 47 and 51 were objected to and in which Claims 1-3, 5, 6, 8-12, 14-16, 18, 19, 22, 23, 25-29, 31-33, 35, 37-40, 41, 43-46, 48-50 and 52-54 were rejected. With this response, Claims 4, 34, 44, 47 and 51 are cancelled; Claims 1, 8, 26, 32, 46 and 50 are amended; and Claims 55-58 are added. Claims 1-3, 5-33, 35-43, 45-46, 48-50 and 52-58 are presented for reconsideration and allowance.

I. Rejection of Claims 32-43 Under 35 U.S.C. § 101.

Section 1 of the Office Action rejected Claims 32-43 under 35 U.S.C. § 101 as lacking patent utility. In particular, the Office Action asserts that it describes a method but it is not clear what the method steps will function to achieve or perform. Applicant respectfully traverses this rejection, noting that Claims 32-43 do achieve or perform a utilitarian function. Claim 32, as amended, incorporates the limitations of objected to Claim 34, and recites a method which includes generating a scanned image preview from image data, defining an image region of the scanned image preview to retain and emulating a final scan of the image region to generate a final scanned image. The emulating includes emulating the final-scan of the image region without a re-scan of the image. As noted in the present application, with devices such as ADF multi-function devices or ADF imaging devices, image media is generally routed past a recognition component of a scanning unit only once. As a result, such ADF devices may not provide the capability of providing a preview scan and a subsequent final scan. In contrast, the method recited in Claim 32 enables such devices to provide both a preview scan and a final scan. Accordingly, the rejection of Claims 32-43 under 35 U.S.C. § 101 is improper and should be withdrawn.

II. Objection of Claim 46 Under 37 CFR § 1.75.

Section 2 of the Office Action objected to Claim 46 under 37 CFR § 1.75 as being a substantial duplicate of Claim 50. Applicants respectfully traverse this

objection. Claim 46 recites a computer readable medium for directing a computing system to perform the recited method. In contrast, Claim 50 recites a computer readable medium configured to direct an automatic document feed scanning device to perform the recited method. A computer readable medium configured to direct a computing system is clearly distinct from a computer readable medium configured to direct an automatic document feed scanning device. Accordingly, Applicants respectfully request that the objection to Claim 46 be withdrawn.

III. Rejection of Claims 1-3, 5, 6, 8-12, 14-16, 18, 19, 22, 23, 25-29, 31-33, 35, 38-40, 43-46, 48-50 and 52-54 Under 35 U.S.C. § 102(e) Based Upon Kumpf.

Section 4 of the Office Action rejected Claims 1-3, 5, 6, 8-12, 14-16, 18, 19, 22, 23, 25-29, 31-33, 35, 38-40, 43-46, 48-50 and 52-54 under 35 U.S.C. § 102(e) as being anticipated by Kumpf, U.S. Patent No. 6,289,371. Such claims, as amended, overcome the rejection based upon Kumpf.

A. Claim 1.

Section 5 of the Office Action indicated that Claim 4 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. With this response, Claim 4 is cancelled and its limitations are incorporated into base Claim 1. Accordingly, Claim 1, as amended, overcomes the rejection based upon Kumpf. Claims 2-3, 5-6, 8-12 and 14-16 depend from Claim 1 and overcome the rejection for the same reasons.

B. Claim 6.

Claim 6 depends from Claim 1 and recites that the components is configured to interpolate the image data to improve a resolution of the image region.

Kumpf fails to disclose a component that is configured to interpolate image data to improve a resolution of the selected image region. In rejecting Claim 6, the Office Action refers to column 7, lines 32-37 of Kumpf. However, column 7, lines 32-37 of Kumpf merely states that:

Before an image is scanned, the server 10 returns a content length of the scanned image plus one byte to the scan applet in the client 12. The extra one byte is added to the content length so that the server 10 scan program can control the closing of the connection to the scanner before the web browser has a chance to close the connection. Subsequently, the server 10 receives data from the scanner and sends the data to the applet in the client 12. As shown in FIG. 5, the scan applet in the client updates the progress bar as it receives data.

Nowhere does this portion of Kumpf nor any other portion of Kumpf disclose or even suggest that image data is interpolated to improve a resolution of a selected image region chosen from a scanned image preview. Accordingly, Claim 6 overcomes the rejection based on Kumpf for this additional reason.

C. Claim 8.

Claim 8 depends from Claim 1 and further recites that the system includes an image destination control configured for manipulation to select a destination location for this final scanned image. Claim 8, as amended, further recites that the component is configured to differently process the image data based upon the destination location to form the emulated final scanned image data. Support for the amendment to Claim 8 is found on page 11, lines 12-16. Thus, no new matter is believed to be added.

Kumpf fails to disclose a system in which a component is configured to differently process image data from a preview scan based upon a selected destination location to form the emulated final scanned image data. Kumpf fails to disclose processing image data taken from a preview scan to form a final scan image data. Moreover, Kumpf fails to disclose that such processing may be varied based upon the destination location of the final scanned image. The Office Action asserts that Kumpf discloses peripheral destination locations including a hard drive or a computer of client 12. However, Kumpf does not disclose processing image data from a preview scan differently based upon a destination location. Accordingly,

Claim 8, as amended, overcomes the rejection based on Kumpf for this additional reason.

D. Claim 18.

Claim 18 depends from Claim 1 and recites an image region definition control configured for manipulation to define a classification of the image regime and a user interface that includes the image region selection control, the image destination selection control, the image region definition control and a viewing region to display the scanned image preview. As apparently acknowledged by the Office Action with its indicated allowability of Claim 17, Kumpf fails to disclose an image region definition control configured for manipulation to define a classification of the image region and a user interface that includes the image region selection control, the image region destination control and a viewing region to display the scanned image preview. Moreover, in its rejection of Claim 18, the Office Action attempts to rely on column 5, lines 47-50 of Kumpf as disclosing an image region definition control. However, column 5, lines 47-53 merely describe the parameters of a scan unload as including paper size, image type, resolution or image type. Nowhere does Kumpf disclose an image region definition control that may be manipulated to specifically define a classification of an image region. Accordingly, the rejection of Claim 18 based upon Kumpf is improper and should be withdrawn.

E. Claim 19.

Claim 19 recites an automatic document feed scanning device that includes a component configured to generate a scanned image preview from image data and an image region selection control configured for manipulation to select an image region of the scanned image preview. Claim 19 further recites that the component is configured to process the selected image region to generate a final scanned image. In other words, the image region which is selected from the preview scan is processed to form a final scanned image.

Kumpf fails to disclose or suggest an automatic document feed scanning device. Kumpf fails to disclose any device which processes an image region consisting of image data taken from a scanned image preview to generate a final scanned image. In contrast, Kumpf discloses a system and method in which the final scanned image is acquired from a "download scan". The final scan or download scan of Kumpf is not created or generated by processing image data from a preview scan. Although Kumpf discloses a preview scan, the data from the preview is not used to generate the final scanned image. Rather, a second subsequent download scan is performed to create the final scanned image in Kumpf. Accordingly, the rejection of Claim 19 based on Kumpf is improper and should be withdrawn. Claims 20-29 depend from Claim 19 and overcome the rejection for the same reasons.

F. Claim 25.

Claim 25 depends from Claim 19 and further recites that the component emulates the final scan of the image region by interpolating the image data corresponding to the image region to improve a resolution of the image region.

Kumpf fails to disclose an automatic document feed scanning device in which a component emulates a final scan of the image by interpolating the image data corresponding to the image region to improve a resolution of the image region. As apparently acknowledged by the Office Action in its indicated allowability of Claim 24, Kumpf fails to disclose a component that interpolates image data corresponding to the image region to improve a resolution of the image region.

Moreover, with respect to its rejection of Claim 25, the Office Action asserts that "this claim is anticipated in view of the adjustments to resolution and color depth according to col. 5, lines 49-60." However, column 5, lines 49-60 of Kumpf say nothing about interpolating image data taken from a preview scan to improve a resolution of the particular image region so as to emulate a final-scan of the image region. Thus, the rejection of Claim 25 based upon Kumpf is improper and should be withdrawn.

G. Claim 31.

Claim 31 depends from Claim 1 and recites an image region definition control configured for manipulation to define a classification of the image regime and a user interface that includes the image region selection control, the image destination selection control, the image region definition control and a viewing region to display the scanned image preview.

As apparently acknowledged by the Office Action with its indicated allowability of Claim 30, Kumpf fails to disclose an image region definition control configured for manipulation to define a classification of the image region and a user interface that includes the image region selection control, the image region destination control and a viewing region to display the scanned image preview.

Moreover, in its rejection of Claim 31, the Office Action attempts to rely on column 5, lines 47-50 of Kumpf as disclosing an image region definition control. However, column 5, lines 47-53 merely describe the parameters of a scan unload as including paper size, image type, resolution or image type. Nowhere does Kumpf disclose an image region definition control that may be manipulated to specifically define a classification of an image region. Accordingly, the rejection of Claim 31 based upon Kumpf is improper and should be withdrawn.

H. Claim 32.

Section 5 of the Office Action indicated that Claim 34 would be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims. In response, Claim 34 is cancelled and its limitations are incorporated into base Claim 32. Accordingly, Claim 32, as amended, overcomes the rejection based upon Kumpf. Claims 33, 35, 37-41 and 43 depend from Claim 32 and overcome the rejection for the same reasons.

I. Claim 45.

Claim 45 recites one or more computer-readable media which direct an automatic document feed scanning device to emulate a final scan of an image region of a scanned image preview to generate a final scanned image by processing image data corresponding to the image region.

Kumpf fails to disclose a computer-readable medium including instructions to process an image region consisting of image data taken from a scanned image preview to generate a final scanned image. In contrast, Kumpf discloses a system and method in which the final scanned image is acquired from a “download scan”. The final scan or download scan of Kumpf is not created or generated by processing image data from a preview scan. Although Kumpf discloses a preview scan, the data from the preview is not used to generate the final scanned image. Rather, a second subsequent download scan is performed to create the final scanned image in Kumpf. Accordingly, the rejection of Claim 45 based on Kumpf is improper and should be withdrawn.

J. Claim 46.

Section 5 of the Office Action indicated that Claim 47 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. In response, Claim 47 is cancelled and its limitations have been incorporated into base Claim 46. Accordingly, Claim 46, as amended, overcomes the rejection based upon Kumpf. Claims 48 and 49 depend from Claim 46 and overcome the rejection for the same reasons.

K. Claim 50.

Section 5 of the Office Action indicated that dependent Claim 51 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. In response, Claim 51 is cancelled and its limitations are incorporated into base Claim 50. Accordingly, Claim 50, as amended,

overcomes the rejection based upon Kumpf. Claims 52-54 depend from Claim 50 and overcome the rejection for the same reasons.

VI. Added Claims.

With this response, Claims 55-58 are added. Claims 55-58 are believed to be patentably distinct over the prior art of record.

A. Claim 55.

Section 5 of the Office Action indicated that Claim 7 would be allowable if rewritten in dependent form to include all of the limitations of the base claim and any intervening claims. In response, Claim 7 is rewritten in independent form as added Claim 55 and includes all of the limitations of former base Claim 1. Accordingly, Claim 55 is presented for consideration and allowance.

B. Claim 56.

Section 5 of the Office Action indicated that Claim 13 would be allowable to include all of the limitations of the base claim and any intervening claims. In response, Claim 13 is rewritten in independent form as added Claim 56 which includes all of the limitations of former base Claim 1. Accordingly, added Claim 56 is presented for consideration and allowance.

C. Claim 57.

Section 5 of the Office Action indicated that Claim 17 would be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims. In response, Claim 17 is rewritten as added Claim 57 and includes all of the limitations of former base Claim 1. Accordingly, added Claim 57 is presented for consideration and allowance.

D. Claim 58.

Section 5 of the Office Action indicated that Claim 36 would be allowable if rewritten in independent form to include all of the limitations of the base claim and

any intervening claims. In response, Claim 36 is rewritten in independent form as added Claim 58 and includes all of the limitations of former base Claim 32.

Accordingly, added Claim 58 is presented for consideration and allowance.

V. Conclusion.

After amending the claims as set forth above, claims 1-3, 5-33, 35-43, 45-46, 48-50 and 52-58 are now pending in this application.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 08-2025. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 08-2025. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 08-2025.

Respectfully submitted,

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